

REMARKS

Claims 1-7 are pending in this application.

Claim 1 stands rejected under 35 USC 102(b) as anticipated by O'Sullivan U.S. Patent No. 5,494,043. Claims 2-5 stand rejected under 35 USC 103(a) as unpatentable over O'Sullivan in view of Yamasawa U.S. Patent No. 4,844,084 and claims 6 and 7 stand rejected under 35 USC 103(a) as unpatentable over O'Sullivan in view of Yamasawa and Hashimoto U.S. Patent Pub. No. 2004/0010199. Applicants respectfully traverse these rejections.

Claim 1 recites a pulse wave measuring apparatus that includes a fixing stand adapted for fixing a living organism in position and a sensor unit movable with respect to the fixing stand and adapted to be positioned on the living organism when the living organism is positioned on the fixing stand. The sensor unit includes at least one pressure sensitive part and a pressure part for pressing the at least one pressure sensitive part against the living organism positioned on the fixing stand. The pulse wave measuring apparatus further includes a fastening band connecting the fixing stand and the sensor unit for fixing the living organism between the fixing stand and the sensor unit. A pressure part control unit controls the pressure part and is characterized in that the pressure part control unit is contained on the fixing stand.

The Advisory Action states:

Applicant has argued that O'Sullivan (US Patent 5494043) does not disclose a pressure part control unit contained on a fixing stand because the document does not disclose the control unit (electronics module 60) as being contained on the wrist stabilizer (element 50). However, the components cited in the previous and current action as comprising the fixing stand are both the electronics module and the wrist stabilizer, with the combination of the two serving as the fixing stand. Applicant has argued that O'Sullivan teaches away from the control unit being part of the fixing stand because of a cable "leading away" in figure 6 and an air tube "leading away" in figure 5. These two elements of the device are not related to whether the electronics module and wrist stabilizer are connected – in fact, since the electronics module is used to control and display sensed results from the wrist stabilizer and sensor, the two pieces are inherently connected, and may therefore be considered a single unit – the fixing stand in question. O'Sullivan therefore still anticipates the current claims, and the rejection of the current claim stands.

Applicants respectfully disagree. First, even using the Examiner's construction that O'Sullivan's electronics module 60, shown in Fig. 6, and the wrist stabilizer 50 comprise the fixing stand, O'Sullivan provides no disclosure or suggestion of a structure characterized in that the pressure part control unit is contained on the fixing stand, as required by the claims.

As described by the applicants, for example, on pages 15-16 of the specification and in Figs. 1 and 2, the fixing stand 30 includes a pressure pump 2 for generating an internal pressure of the pressure cuff 1, a suction pump 3 for reducing the pressure, a switching valve 4 for selectively switching the connection of the pressure pump 2 and the suction pump 3, a control circuit 5 constituting an expansion part control unit for controlling the operation of the pressure pump 2, the suction pump 3 and the switching valve 4, and an A/D converter 8 for converting the output signal from the sensor unit 20 into a digital data.

Of these component parts, the control circuit 5 and the A/D converter 8 are formed or arranged on control board 18 in the fixing stand 30. According to this embodiment, the pressure pump 2, the suction pump 3 and the switching valve 4 constituting the expansion part 14 and the control circuit 5 constituting the expansion part control unit make up a pressure part control unit 16 for controlling the pressure part.

The result is a pulse wave measuring apparatus capable of accurately measuring a pulse wave in stable fashion and which can be reduced in size with components integrated for improved convenience. O'Sullivan cannot achieve what applicant's invention does because O'Sullivan does not teach or suggest the same combination of elements.

Next, the Action attempts to equate being "connected" with "contained on the fixing stand." Applicants again respectfully disagree. Whether O'Sullivan's electronics module and wrist stabilizer are "inherently connected" by an electrical cable and an air tube may arguably lead to the conclusion that they may be considered a "single unit,"

however, there is no support anywhere in O'Sullivan for the conclusion that the pressure part control unit is contained on the fixing stand, as required by the claims.

To anticipate a claim, the reference must teach every element of the claim. MPEP 2131. The standard for the anticipation analysis is that "[e]very element of the claimed invention must be literally present, arranged as in the claim. ... The identical invention must be shown in as complete detail as is contained in the patent claim." *Richardson v. Suzuki Motor Co., Ltd.*, 868 F.2d 1226, 1236 (Fed. Cir. 1983).

Since O'Sullivan fails to teach every element of claim 1, arranged as in the claim, O'Sullivan fails to anticipate claim 1. Thus, claim 1 is patentable over the O'Sullivan reference. This logic also disposes of the rejection of claims 2-7, which depend directly or indirectly from claim 1. Since the rejections under 35 USC 103(a) also rely on O'Sullivan, they should be withdrawn as well because O'Sullivan does not provide the teachings for which it is cited.

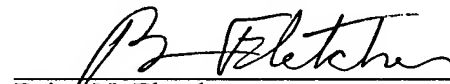
In view of the above, each of the claims in this application is in condition for allowance. Accordingly, applicants solicit early action in the form of a Notice of Allowance.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. **163852020600**.

Respectfully submitted,

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